

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TROY KARPOVICH, as guardian of
MICHAEL R. KARPOVICH, a legally-
Incapacitated person,

Plaintiff,

Civil Action No. 18-12247
Honorable Sean F. Cox
Magistrate Judge David R. Grand

v.

CITY OF DETROIT, ET AL.,

Defendants.

ORDER ON PLAINTIFF’S MOTION TO COMPEL [44]

Before the Court is plaintiff Troy Karpovich’s Motion to Compel Responses to First Request for Production of Documents to Defendant, City of Detroit (Doc. #44).¹ Defendant City of Detroit (the “City”) filed a response, and the parties later filed a Joint Statement of Unresolved Issues Regarding Plaintiff’s Motion. (Docs. #48, #50). The Court held oral argument on June 18, 2019.

For the reasons set forth on the record and below, Plaintiff’s motion to compel is (Doc. #44) is **GRANTED IN PART AND DENIED IN PART** as follows:

- By **July 2, 2019**, the City shall: (1) identify the Department or Departments that prepared the reports comprising what was described at the hearing as the “Evidence Folder”; (2) provide its supplemental production and written responses to Plaintiff’s document requests; and (3) make available to speak with Plaintiff’s counsel or IT professional a person capable of explaining how Plaintiff may obtain an electronic copy of the four audio interviews

¹ On April 23, 2019, an order was entered referring this motion to the undersigned for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A). (Doc. #45).

discussed at the hearing.

- **Document Request #2** – By **July 2, 2019**, the City shall either confirm in writing that there is no separate “Internal Controls” file, or it shall identify for Plaintiff any documents already produced (or produced up through its July 2, 2019 supplementation) that constitute the “Internal Controls” file.
- **Document Request #7** – By **July 16, 2019**, the City shall produce documents responsive to this request (*i.e.*, both the UF-002 reports and the “adjudication” documents) from 2014 to 2019 for use-of-force incidents involving (1) off-duty officers, and (2) alleged physical altercations with officers other than those involving a firearm, a vehicle, or a person in custody. The Court finds that in light of the specific allegations in this case, this significant narrowing of Request #7 (in both time and scope) renders it both relevant and proportional to the needs of the case. Fed. R. Civ. P. 26(b)(1).
- **Document Request #10** – By **July 2, 2019**, the City shall make a reasonable effort to determine the identity of the speaker on the voicemail in question and advise Plaintiff’s counsel in writing of that identity or that the identity could not be determined.
- **Document Request #14/#15** – The dispute concerning these document requests is resolved pursuant to the first bullet point above.

IT IS SO ORDERED.

Dated: June 18, 2019
Ann Arbor, Michigan

s/David R. Grand
DAVID R. GRAND
United States Magistrate Judge

NOTICE TO THE PARTIES REGARDING OBJECTIONS

The parties’ attention is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S. C. §636(b)(1).

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 18, 2019.

s/Eddrey O. Butts

EDDREY O. BUTTS

Case Manager